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May 20, 2021

VIA ECF

The Honorable Analisa Torres
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: *U.S. v. Michael Pearse*
Docket 15-CR-616 (AT)

Dear Justice Torres:

I am the attorney for Mr. Pearse. The case is currently on the Court's calendar for **May 20, 2021 at 9:00am** for a change of plea.

I respectfully submit this *supplemental* letter motion requesting that Mr. Pearse be permitted to appear remotely via video conference pursuant to Section 15002 et seq. of the Coronavirus Aid, Relief, and Economic Securities Act ("CARES Act").

**Request for Change of Plea Proceeding Conducted
Remotely Pursuant to the CARES Act**

Pursuant to the CARES Act, plea proceedings may proceed by video teleconference, or telephone conference if video teleconferencing is not reasonably available, with the consent of the defendant and a finding by the District Court Judge that further delay of the proceeding will result in serious harm to the interests of justice. See H.R. 748, Section 15002 et seq., P.L. 116-136, signed into law on March 27, 2020 (noting that if "the district judge in a particular case finds for specific reasons that the plea . . . in that case cannot be further delayed without serious harm to the interests of justice, the plea . . . may be conducted by video teleconference, or by telephone conference if video teleconferencing is not reasonably available"); see also Southern District of New York Standing Order, 20

MC 176, March 30, 2020; United States v. Bryan Cohen; 19 Cr. 741 (WHP) (recognizing the importance, under the CARES Act, of judicial proceedings moving forward "in a time of great uncertainty").

After careful consultation and with the advice of counsel, Mr. Pearse has chosen to enter a plea of guilty pursuant to the terms of the negotiated Plea Agreement with the Government and wishes to do so remotely by video conference. He has been incarcerated since December of 2018 in Australia and after extradition since January 2021 in the United States under harsh conditions normally, but particularly exacerbated during the worldwide COVID pandemic. Mr. Pearse desires to proceed to sentencing without unnecessary delay and not see this case delayed until an in-person change of plea proceeding can be safely held. Mr. Pearse accepts full responsibility for his actions and is doing so early and in a timely manner to seek closure of this case.

I respectfully submit that Mr. Pearse's decision to plead guilty and demonstrate his sincere acceptance of responsibility, along with his desire for closure are "specific reasons," within the meaning of Section 15002 et seq. of the CARES Act, sufficient to proceed with a video teleconference for his change of plea proceeding.

In that regard, I have forwarded to chambers email the necessary executed waivers.

Should the Court require any further information, it will be provided forthwith.

Sincerely,

/s/ Daniel F. Lynch

Daniel F. Lynch (DL-3025)
Attorney for Michael Pearse

cc: AUSA Olga Zverovich (via email and ECF)